

UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

BOARD OF TRUSTEES OF THE CEMENT
MASONS HEALTH AND WELFARE
TRUST FUND FOR NORTHERN
CALIFORNIA et al.,

Plaintiffs,

v.

C AND C CONCRETE, INC., et al.,

Defendants.

No. C 10-03343 LB

**ORDER TO SHOW CAUSE AND
SETTING FURTHER CASE
MANAGEMENT CONFERENCE**

[Re: ECF No. 66]

On July 29, 2010 Plaintiffs – the trustees of employee benefits plans for masons and other covered employees in the construction industry – filed a complaint against Defendants C and C Concrete, Inc. (“C and C Concrete”) and Jose R. Herrera, Jr. (collectively, “Defendants”), for failing to pay employee fringe benefits and make monthly reports in violation of the parties’ collective bargaining agreement, the trust agreements, and the Employee Retirement Income Security Act (“ERISA”). *See* Complaint, ECF No. 1 at 1-2, ¶ 1.¹

Defendants were represented by attorney Scott Woodall. On April 24, 2012, Mr. Woodall moved to withdraw as Defendants’ counsel because Defendants were no longer able to pay their agreed-

¹ Citations are to the Electronic Case File (“ECF”) with pin cites to the electronic page number at the top of the document, not the pages at the bottom.

1 upon attorney's fees and did not intend to do so. Motion to Withdraw, ECF No. 62 at 1-2; Woodall
2 Declaration, ECF No. 62-1 at 2, ¶ 7. On May 25, 2012, the court granted Mr. Woodall's motion.
3 Order Granting Defendants' Counsel's Motion to Withdraw, ECF No. 66 at 1. In the order, the
4 court noted that "corporations may not appear in federal court except through counsel," *see* N.D.
5 Cal. Civil Local Rule 3-9(b), and ordered C and C Concrete to file a substitution of counsel by June
6 29, 2012. Order Granting Defendants' Counsel's Motion to Withdraw, ECF No. 66 at 3. It also
7 ordered Mr. Herrera to file either a notice of his intention to proceed *pro se* or a substitution of
8 counsel by June 29, 2012. *Id.* Neither C and C Concrete nor Mr. Herrera have filed anything.

9 Therefore, Defendants are ORDERED to appear at 11:00 a.m. on August 2, 2012 to show cause
10 for failure to comply with the court's May 25, 2012 order. Defendants also are required to file a
11 response to the Order to Show Cause by July 26, 2012.

12 The court also sets a Further Case Management Conference for 11:00 a.m. on August 2, 2012.
13 Accordingly, the parties are required to file updated case management statements by July 26, 2012.

14 **IT IS SO ORDERED.**

15 Dated: July 11, 2012.

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17 LAUREL BEELER
18 United States Magistrate Judge
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